

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2537

IN THE MATTER OF:

Served March 7, 1984

Application of BATTLE'S TRANSPORTA-)
TION, INC., for a Certificate of)
Public Convenience and Necessity --)
Special Operations)

Case No. AP-84-07

By application filed March 1, 1984, Battle's Transportation, Inc., seeks a certificate of public convenience and necessity to transport passengers over irregular routes in special operations, round-trip or one-way, for health care services between health care facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to the performance of such operations in vehicles with manufacturer's designed seating capacity of eighteen (18) passengers or less, excluding the driver. 1/

Applicant's equipment list shows six vans ranging in vintage from 1974 to 1984, four of which have wheelchair ramps and devices for securing wheelchairs. The application indicates Battle's intention to acquire a new, larger vehicle with a hydraulic lift.

As part of this application, Battle's has submitted an income statement for the year ended December 31, 1983, a balance sheet for December 31, 1983, and a projected operating statement for 1984, with and without the additional authority sought.

1/ To the extent this language could be interpreted to seek authority between points solely within Virginia, that portion of this application is dismissed. See Compact, Title II, Article XII, Section 1(b).

Applicant proposes the following tariff:

	<u>Round Trip</u>	<u>One Way</u>
(a) Per Person	\$40.00	\$25.00
(b) Groups (10 or more) <u>2/</u>	13.50	7.50
(c) Cancellation (Billed only when run is made) <u>3/</u>		
(d) Outside Capital Beltway (a) or (b) plus \$1 per loaded mile <u>4/</u>		

Waiting Time: \$20 per hour (\$5 per 15-minute period or fraction thereof) beyond pre-requested pick-up or drop-off time

Parking fees and/or tolls incurred will be charged to client

Applicant currently holds WMATC Certificate of Public Convenience and Necessity No. 62 authorizing the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, round-trip or one-way, transporting persons confined to wheelchairs:

Between medical treatment facilities located in the Metropolitan District, on the one hand, and on the other, points in the Metropolitan District.

RESTRICTIONS: The service authorized herein is restricted to the transportation of non-ambulatory participants in the Medicaid program of the District of Columbia, and is further restricted to transportation in van-type vehicles specially

2/ This provision is not entirely clear as to whether it implies a common origin and/or destination for a group seeking health care services, or whether it simply means 10 or more people who happen to be in the vehicle at the same time. This item should be clarified.

3/ We take this to mean a charge will only be made when a vehicle responds for a pickup and is cancelled at that point. This item should be clarified.

4/ It is not clear whether this applies to point of origin and/or destination, or whether the extra charge per mile applies only to (b) or to both (a) and (b). This item should be clarified.

equipped with ramps and mechanical devices for securing wheelchairs in transit.

Pursuant to the Compact, Title II, Article XII, Section 4(b), this application must be scheduled for public hearing to determine if the applicant is fit, willing and able properly to perform the proposed service and to abide by pertinent regulatory requirements, and to determine if the public convenience and necessity require the proposed service. Applicant will be assessed a sum preliminarily estimated to cover the cost of the hearing and will be required to post and publish notice of this application.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case No. AP-84-07 of Battle's Transportation, Inc., is hereby scheduled for Thursday, April 12, 1984, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

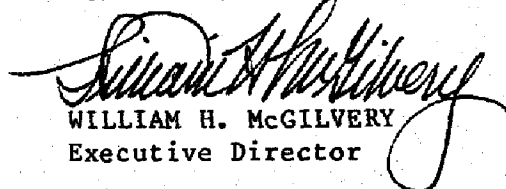
2. That applicant publish once in a newspaper of general circulation in the Metropolitan District, and post continuously and conspicuously in its vehicles through the date of public hearing, notice of this application and hearing, in the form prescribed by the staff of the Commission, no later than Friday, March 16, 1984, and present at the hearing an affidavit of such posting and an affidavit of publication from the selected newspaper.

3. That any person desiring to protest this application shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than 12 noon, Monday, April 2, 1984, and shall simultaneously serve a copy of such protest or notice on counsel for applicant, William M. Thornton, Esq., 1101 - 14th Street, N.W., Suite 1100, Washington, D.C. 20005.

4. That applicant is hereby assessed \$500 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission no later than 12 noon, Monday, April 2, 1984.

5. That applicant file with the Commission an original and four copies of an amended tariff clarifying the items discussed in footnotes 2, 3, and 4 of this order, no later than 12 noon, Monday, April 2, 1984.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director